

1 THOMAS E. FRANKOVICH (State Bar No. 074414)
 2 THOMAS E. FRANKOVICH,
 3 *A Professional Law Corporation*
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 9 Attorneys for Plaintiffs
 10 NICOLE MOSS
 11 and DISABILITY RIGHTS
 12 ENFORCEMENT, EDUCATION,
 13 SERVICES: HELPING YOU
 14 HELP OTHERS

15
 16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 NICOLE MOSS, an individual; and) CASE NO. C 06-6356 SBA
 19 DISABILITY RIGHTS, ENFORCEMENT,)
 20 EDUCATION, SERVICES: HELPING)
 21 YOU HELP OTHERS, a California public)
 benefit corporation,)
 Plaintiffs,)
 v.)

22) DECLARATION OF THOMAS E.
 23) FRANKOVICH IN OPPOSITION TO
 24) DEFENDANTS' REQUEST FOR
 25) ATTORNEYS FEES

26 MANILA BAY CUISINE; LAND MARK)
 27 TOWNE CENTER, LLC., a Delaware)
 limited liability company; AGLOS, LLC., a)
 28 Delaware limited liability company;
 DINKY, LLC., a Delaware limited liability)
 company; GF LIBERTY, LLC., a Delaware)
 limited liability company; CRIMSUN INC.,)
 a California corporation,)
 Defendants.)

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 30 I, THOMAS E. FRANKOVICH, declare that I am an attorney duly licensed to practice in
 31 all the courts in the state of California and if called as a witness and duly sworn, I would and
 32 could competently testify to the following based upon my own personal knowledge:
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1 That the request of defendants for attorneys fees in the sum of \$2,792.16 is high and
2 should be significantly reduced for the following reasons:

- 3 1. The attorneys "block billed." Nothing was broken down in 1/10 of an hour or 6
4 minute increments. There is only one entry for fifteen (15) minutes. Most entries
5 were for 2 ½ hours to 4.75 hours.
- 6 2. Our office bills on 1/10 of an hour and our total time to make the motion and
7 reply was 9.5 hours.
- 8 3. It's impossible to determine the tasks because almost everything is billed on
9 preparing Opposition to Defendants' Motion to Vacate. It's not broken down to
10 research, what was researched, cases relied upon, drafting, editing and finalizing.
- 11 4. The billing rate for attorneys with only two years of limited experience should be
12 \$175.
- 13 5. The Opposition as written was simple at best. There was nothing complex about
14 it yet Attorney Grannis spent 8.5 hours. Based upon a review of the Opposition,
15 Attorney Grannis' time should be reduced to 5 hours. Attorney Ehrhart spent
16 8.75 hours although he reduced his time to 3.75 hours. His time to read the
17 Opposition etc. should be reduced to 2 hours.

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1 THEREFORE, I submit the proper billable hours for the following attorneys should be:

2	Grannis	5 hrs.	@	\$175/hr	=	\$875.00
3	Ehrhart	2 hrs.	@	\$175/hr	=	\$350.00
4	Lowenthal	.5 hrs.	@	\$400/hr	=	<u>\$200.00</u>
5						\$1,425.00
6					(Plus Costs)	<u>\$75.00</u>
7					TOTAL:	\$1,500.00
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9 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
10 20th day of February, 2008, at San Francisco, California.

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12 By: /s/
13 Thomas E. Frankovich
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